



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 24.11

Subject: Grievance Procedures For Youth in DCS Group Homes

Supersedes: DCS 24.11, 01/01/02

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

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Application

To All Department of Children's Services DCS Group Home Employees and Youth

Authority: TCA 37-5-106

Policy

All youth in DCS Group Homes shall have the opportunity, free of any fear of reprisal, to file grievances about matters that affect their daily routine.

Procedures

A. Youth grievance rights in DCS Group Homes

1. Youth may file grievances against other youth, staff or about circumstances or actions that affect them and are felt to be unjust.
2. Youth shall have the right to be represented by an advocate of their choice at any grievance hearing. The advocate is entitled to participate in any conferences, hearings or reviews in which the youth participates. Should the selected advocate be unavailable for a scheduled meeting, the youth may choose another advocate.
3. If a grievance is filed against another youth, the youth whom the grievance has been filed against shall have the right to be present at the hearing.

4. If a grievance is filed against an employee, the employee shall have the right to be present at the hearing.
5. Every youth shall have access to a copy of this policy and form *CS-0549, Grievance Report for Youth in DCS Group Homes*.

B. Procedures for filing and submitting a grievance

1. Youth filing grievances shall state on form *CS-0549, Grievance Report for Youth in DCS Group Homes*, the following:
 - a) The reason for the grievance;
 - b) Corrective action desired;
 - c) Date and place of occurrence giving rise to the grievance;
 - d) Sufficient information upon which to base a decision;
 - e) Signature of youth, and
 - f) Current Date
2. The youth shall give their grievance to the designated staff member on duty within twenty-four (24) hours after the complaint was made. If the complaint was made orally, the staff member on duty shall assist the youth in filling out the complaint form.
3. The receiving staff member shall forward the grievance to the DCS Group Home supervisor or designee within twenty-four (24) hours of receipt, excluding weekends and holidays.
4. Informal resolution of grievances is encouraged. Within five (5) working days after receipt of the grievance, the DCS Group Home supervisor shall meet with the youth(s) who filed the complaint in an effort to resolve the matter informally.
5. If the grievance cannot be settled informally within the five working day period, the DCS Group Home supervisor shall immediately make arrangements for a formal grievance hearing.
6. If the grievance is against the DCS Group Home supervisor, the receiving staff member shall forward it directly to the Director of DCS Group Homes. There shall

be no informal resolution in this case.

7. Grievances filed due to allegations of sexual abuse, attempted sexual abuse or physical abuse shall be reported **immediately** by the DCS Group Home supervisor/designee to the Director of DCS Group Homes and to DCS Child Protective Services Central Intake. Substantiated incidents of physical and/or sexual abuse shall be managed as outlined in Child Protective Services policies and procedures.
8. A youth may withdraw a grievance in writing. In such cases, the grievance and the request for withdrawal shall be maintained on file for review by the DCS Group Home supervisor or other appropriate persons.

C. Grievance committee

1. The grievance committee shall consist of three individuals: two (2) staff members and one (1) youth.
2. The DCS Group Home supervisor/designee shall serve as chairperson and appoint another staff member, not involved in the grievance to serve on the committee.
3. The youth member of the committee shall be elected by his/her peers. In the event all youth in a facility choose to file a grievance concerning the nominated youth, the youth committee member shall be appointed from the nearest DCS Group Home. (Elections and appointments shall be accomplished as needed.)

D. Grievance hearing

1. At least two (2) days prior to the hearing, the chairperson shall determine the following:
 - a) Determining the location, time and date of the hearing and giving notice of such to all parties involved at least 24 hours prior to the hearing.
 - b) Informing the filing youth and any youth against whom a grievance has been filed of his/her right to an advocate.
2. The hearing shall be held no later than seven (7) working days after the receipt of the grievance by the chairperson.
3. The chairperson shall conduct and manage the grievance hearings. The chairperson:

- a) Has the authority to terminate discussion that he/she feels does not contribute to the process of achieving resolution of the grievance;
 - b) Shall ensure that each participant has the opportunity to share information; and
 - c) Shall vote only to break a tie.
4. Within three (3) days after the hearing, the committee chairperson, or designee, shall forward to the youth the following:
- a) A copy of form *CS-0549, DCS Group Home Youth Grievance Report*,
 - b) A copy of *CS-0550, DCS Group Home Notice of Grievance Disposition*, describing the committee's decision,
 - c) Form *CS-0548, DCS Group Home Grievance Disposition Appeal* shall be provided along with the committee's decision.

E. Youth's appeal of committee's disposition

1. The youth may appeal the grievance committee's decision by submitting to the chairperson within 24 hours of receipt of the committee's decision the following:
- a) A copy of form *CS-0549, DCS Group Home Youth Grievance Report*,
 - b) A copy of form *CS-0550, DCS Group Home Notice of Grievance Disposition*,
 - c) A completed form *CS-0548, DCS Group Home Grievance Disposition Appeal*, and
 - d) Any statement the youth and/or advocate wishes to make.
2. The advocate, if available, shall aid the youth in gathering the material. The material shall be forwarded to the Director of DCS Group Homes/designee.
3. The Director/designee of DCS Group Homes shall review all of the appeal material and conduct any further investigation and/or hearing deemed necessary.

4. Within ten (10) days of receipt of the appeal material, the DCS Group Homes Director/designee shall provide a written decision to the youth describing any investigation and/or information gathered and the reason(s) for the decision.
5. Form *CS-0548, DCS Group Home Grievance Disposition Appeal*, shall be provided with the decision. A copy of the decision shall be forwarded to the DCS Group Home supervisor.
6. If a youth wishes to appeal the decision of the DCS Group Home Director to the Executive Director of Juvenile Justice, the youth must submit, within 24 hours of receipt of the Director's decision the following:
 - a) A copy of form *CS-0549, DCS Group Home Youth Grievance Report*,
 - b) A copy of form *CS-0550, DCS Group Home Notice of Grievance Disposition*
 - c) A copy of the Director's decision, and form *CS-0548, DCS Group Home Grievance Disposition Appeal*,
 - d) Any statement the youth and/or advocate wishes to make to the Executive Director of Juvenile Justice.
7. The DCS Group Home supervisor shall forward all the appeal material to the Executive Director of Juvenile Justice within 24 hours of receipt. (The advocate, if available, shall aid the youth in gathering the material necessary for the appeal.)
8. The Executive Director of Juvenile Justice shall proceed as deemed appropriate. The decision of the Executive Director shall be final.
9. A hearing shall be scheduled within two (2) working days following the complaint and after completion of the investigation.
10. In all cases where the youth's complaint is found to have merit, it shall be the responsibility of the DCS Group Home supervisor to ensure that the issue of the youth's complaint is corrected as soon as possible.
11. Each DCS Group Home shall maintain an on-going

grievance log in which all grievances submitted and their resolution shall be recorded.

13. Any employee who circumvents this policy or its intent shall be subject to disciplinary action up to and including termination from state service.

Forms/Templates

CS-0548 DCS Group Home Grievance Disposition Appeal
CS-0549 DCS Group Home Youth Grievance Report
CS-0550 DCS Group Home Notice of Grievance Disposition

Collateral Documents

None

Standards

ACA 3-JCRF-3D-07
DCS Practice Model Standard – 8-306

Glossary

<i>Term</i>	<i>Definition</i>
<i>Advocate:</i>	A knowledgeable individual familiar with departmental policies and grievance procedures.